IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1432 OF 2005
IN
SECOND APPEAL NO.424 OF 1998

Shri Dagu Bhika Waghade since
deceased through LRs
A.Madhukar Dadu Waghade and Ors. ..Applicants
Versus
Smt.Chabbubai @ Vimalbai w/o
Kacharu Kadam and Anr. ..Respondents

Mr.S.M.Gorwadkar for applicants
Mr.Kishor Patil i/b P.N.Joshi for respondents

CORAM : P.V.KAKADE, J.

DATE : 7TH OCTOBER, 2005

P.C.:

1. Heard both sides.

2. This is an application to set aside the order of abatement passed by this Court on 10.2.2005, which came to be passed after noticing that the sole appellant had died in the year 2000.

3. Perused the record. I am satisfied from the contents thereof that there is sufficient ground reflected in the application to condone the delay and

set aside the abatement. In view of the facts and circumstances the application is made absolute in terms of prayer clauses (a) (b) (c) and (d) on condition that the cost of Rs.2000/= shall be paid. Out of which amount of Rs.1000/= shall be donated to the State Legal Authority and remaining amount of Rs.1000/= shall be paid to the respondents within four weeks from the date of this order. With this direction the application stands disposed of.